THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 17618 of 2005

Dated: 18th August, 2005.

Between:

1. Togarru Swamy and three others

..... PETITIONERS

AND

The Special Deputy Collector, Land Acquisition Officer,

L.A. Unit-3, SRSP, Warangal

.....RESPONDENT

ORDER:

This writ petition is filed seeking a direction to the respondent to refer the application dated 29-03-1989 of the petitioners, under Section 18 of the Land Acquisition Act, 1894 (for short, 'the Act'), to a civil Court for proper adjudication of the market value of the lands acquired.

2. The case of the petitioners is that their lands were acquired under Section 4(1) of the Act by the respondent for excavation of Kakatiya canal, who, after conducting an enquiry, passed Award No.60/88-89, dated 29-03-1989, fixing the market value of acquired land at Rs.8,000/- per acre for dry land. They sought for reference

under Section 18 of the Act by filing application on 29-03-1989. Inspite of several representations made by the petitioners, the authorities have not taken any action on the said application. It is submitted that they are very poor farmers and lost livelihood due to acquisition of their lands, which was the only source of income. It is their further case that they will be deprived of getting proper market value for their lands acquired by the respondent if their application dated 29-03-1989 is not referred to a civil Court under Section 18 of the Act. Hence this writ petition.

3. Heard the learned Counsel for the petitioners and the learned Government Pleader for Land Acquisition appearing on behalf of the respondent.

4. Considering the facts and circumstances of the case and without going into the merits of the case, I deem it appropriate to dispose of the writ petition at the stage of admission, with a direction to the respondent to consider and pass appropriate orders on the application dated 29-03-1989 filed by the petitioners within a period of twelve weeks from the date of receipt of a copy of this order, after giving an opportunity to the petitioners, in accordance with law. No order as to costs.

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ELIPE DHARMA RAO, J

18th August, 2005.

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